

THE CITY OF NEW YORK
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January 25, 2008

MEMO ENDORSED

BY HAND DELIVERY

Honorable Leonard B. Sand
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street, Room 1650
New York, New York 10007

Re: Robert Jackson v. City of New York, et al.
07 CV 10500 (LBS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent defendants City of New York, Raymond W. Kelly, James O'Connell and Peter O'Neill, in this matter. I write to respectfully request an enlargement of time from January 28, 2008, until March 13, 2008, for the defendants to answer or otherwise respond to the complaint. Plaintiff's counsel consents to this application.

In the complaint, plaintiff alleges, *inter alia*, that, as a result of an arrest on May 6, 2005, he was subjected to excessive force by officers of the New York City Police Department.

There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. By telephone conversation with plaintiff's counsel yesterday, this office learned that plaintiff's counsel returned to this office the requested executed consent to the designation of the Corporation Counsel as plaintiff's agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50, as well as an executed medical release. These releases were executed by plaintiff. Thus, the enlargement will allow defendants to request and obtain the sealed criminal records and the medical records so that we can properly assess this case and respond to the complaint.

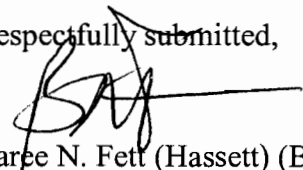
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Second, it appears that named defendants Joseph Keeney, Eugene Jonny and Gennaro Santerelli have yet to be served. The enlargement will give plaintiff the opportunity to serve these defendants. In addition, the enlargement should allow time for this office to confirm whether these officers were properly served and, to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent them. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).


No previous request for an extension has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to March 13, 2008.

Thank you for your consideration of this request.

Respectfully submitted,


Barce N. Fett (Hassett) (BH9416)
Assistant Corporation Counsel

cc: Cynthia Conti-Cook, Esq., Stoll, Glickman & Bellina (by Fax)

Granted on consent

CSBG
1/25/08

MEMO ENDORSED